

KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.KAPLANHECKER.COM

DIRECT DIAL 212.763.0886

DIRECT EMAIL jquinn@kaplanhecker.com

June 16, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: McKoy, et al. v. The Trump Corp., et al., No. 18 Civ. 9936 – Letter Motion to Seal

Dear Judge Schofield:

We write on behalf of Plaintiffs and the putative classes in the above-referenced action, under Rule I.D.3 of Your Honor’s Individual Rules, to respectfully request provisional approval to file under seal: (1) an unredacted version of Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment, (2) an unredacted version of Plaintiffs’ Response To Defendants’ Statement Of Undisputed Material Facts Pursuant To Local Civil Rule 56.1; (3) an unredacted version of Plaintiffs’ Affirmative Statement of Additional Material Facts Pursuant to Local Civil Rule 56.1, (4) and the declaration and exhibits supporting Plaintiffs’ opposition.¹

In our opposition, Plaintiffs refer to, quote from, and attach exhibits, including documents and transcripts, that have been designated as “Confidential” by Defendants; ACN; the Success-branded entities (“Success Entities”); JMBP; and Anne Archer Butcher under Paragraph 3 of the operative Protective Order entered by the Court on September 10, 2019. *See* ECF 112.

In accordance with Paragraph 16 of the Protective Order, which incorporates by reference section I.D.3 of Your Honor’s Individual Rules, Plaintiffs have provisionally filed the unredacted Memorandum under seal and have provisionally redacted references to the information designated as Confidential in the Memorandum and Rule 56.1 statements filed on the public docket. Plaintiffs have also provisionally filed the exhibits to their papers under seal. Under the Protective Order, however, the entity or entities “with an interest in confidential treatment bears the burden of persuasion.” ECF 112 at 5. Defendants and the non-parties listed above, as the parties that made the relevant confidentiality designations, have the “interest in confidential treatment.” *Id.*

¹ In accordance with Rule I.D.3 of the Court’s Individual Rules, an unredacted copy of the Memorandum, with redactions highlighted, will be filed under seal contemporaneously with this letter motion. *See* Standing Order, 19-mc-00583 (Dec. 19, 2019); Electronic Case Filing Rules & Instructions, Rule 6.8. Plaintiffs will timely serve the unredacted version on Defendants. Plaintiffs will also provide partially unredacted versions of the motion papers to the relevant non-parties.

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We defer to the producing parties to assert any interest in the confidential treatment of these materials, as we must under the Protective Order, and at this time Plaintiffs take no position on any sealing requests the producing parties may make. Nevertheless, given the advanced stage of these proceedings, Plaintiffs do respectfully reserve the right to challenge the confidentiality designations in the future under Paragraph 15 of the Protective Order, and to oppose further sealing requests as we move closer to trial.

Respectfully submitted,



John C. Quinn

cc: *All Counsel of Record (via ECF)*